IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY APPLICATION No. 406 of 2006
In
COMPANY PETITION No. 185 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ROOPSINGBHAI VARADSING RAJPUROHIT - Applicant(s)
Versus
O.L. OF M/S. MAHENDRA SYNTEX PVT. LTD. - Respondent(s)

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Appearance :
MR PRABHAKAR UPADYAY for Applicant(s) : 1,
OFFICIAL LIQUIDATOR for Respondent(s) : 1,
MR ASIT B JOSHI for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 04/10/2006

ORAL JUDGMENT

1.By way of present Judge's Summons – application, the applicant has prayed for an appropriate order directing the Official Liquidator to hand over the

peaceful and vacant possession of the property situated at A/21, Tulsi Park Society, B/h, Gyaneshwari Society, Arbudanagar, Odhav, Ahmedabad, to him.

2. It is the contention on behalf of the applicant that the property bearing No. A/21, Tulsi Park Society, B/h, Gyaneshwari Society, Arbudanagar, Odhav, Ahmedabad, belongs to the applicant and he is the owner of the said property and the same is used for residential purposes by the applicant. It is further submitted that only one room of the said premises was permitted to be used as a Registered Office of the company in liquidation for the purpose of correspondence only without charging any rent and/or any further amount. On verification of the relevant records and the documentary evidence produced along with the present application, Shri Asit Joshi, learned advocate appearing on behalf of the Official Liquidator has submitted that the property in question is of the ownership of the applicant and belongs to the applicant and the same was being used for residential purposes by the applicant. He has also further submitted that nothing is on record to suggest that even any rent was paid by the company to the applicant. It is also further submitted by the learned advocate appearing on behalf of the applicant that as such there are no dues of the secured creditors/ financial institutions and/or the workers by the

company in liquidation.

3.Considering the above and considering the documentary evidence along with the application and considering the fact that the applicant is the owner of the property in question, the Official Liquidator is directed to hand over the peaceful and vacant possession of the room which was sealed by the Official Liquidator of property bearing No. A/21, Tulsi Park Society, B/h, Gyaneshwari Society, Arbudanagar, Odhav, Ahmedabad, to the applicant within a period of 10 days from today with proper inventory, if any.

4.With these, the present application is disposed of.

[M.R.SHAH, J.]

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